



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

Aug. 18, 2006

Denise Sheridan
Denise Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/678,603

Confirmation No. : 6147

Applicants : Eric B. Cummings et al.

Filed : October 3, 2003

Attorney Docket No.: 33531/US

Art Unit : 1753

Customer No. : 27,076

Examiner : Anthony D. Fick

Title : DIELECTROPHORESIS DEVICE AND METHOD HAVING INSULATING RIDGES
FOR MANIPULATING PARTICLES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences the decision of the Examiner dated June 15, 2006 rejecting claims 1-26.

Attached herewith is a Pre-Appeal Brief Request for Review.

A check for \$500, in accordance with the fee for this Notice of Appeal, is enclosed.

08/23/2006 CNEGA1 00000027 10678603

08/23/2006 CNEGA1 00000005-00078603

01 FC:1401

500.00 OP

01 FC:1401

500.00 OP

The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-1266. This notice is being submitted in duplicate.

Respectfully submitted,
DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

EWB:dms

Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+copy)
- Copy of this Notice
- Pre-Appeal Brief Request for Review (+copy)

1420 Fifth Avenue, Suite 3400

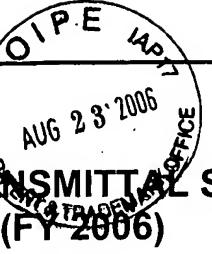
Seattle, Washington 98101

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Effective on 12/08/04



FEE TRANSMITTAL SHEET (FY 2006)

AF/CEO
AP

Complete if Known

Application No.	10/678,603
Filing Date	October 3, 2003
First Inventor	Eric B. Cummings
Group Art Unit	1753
Examiner Name	Anthony D. Fick

<input type="checkbox"/> Applicant claims small entity status (see 37 C.F.R. 1.27)	Atty. Docket Number	33531/US
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METHOD OF PAYMENT (Check One)

The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. 50-1266; Deposit Account Name: DORSEY & WHITNEY LLP.

Check Enclosed.

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		x \$	= \$	
			Subtotal (Extra Claims)	\$0

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

<input type="checkbox"/> Petition Fee under 37 CFR 1.17(f)	Fee \$400
§ 1.53(e) to accord a filing date.	
§ 1.57(a) to accord a filing date.	
§ 1.182 for decision on a question not provided for.	
§ 1.183 to suspend the rules.	
§ 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.	
§ 1.174(b) to accord a filing date to an application under §1.740 for extension of patent term.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(g)	Fee \$200
§ 1.12 for access to an assignment record.	
§ 1.14 for access to an application.	
§ 1.47 for filing by other than all inventors or person not the inventor.	
§ 1.59 for expungement of information.	
§ 1.103(a) to suspend action in an application.	
§ 1.136(b) for review of a request for ext. of time when §1.136(a) not avail.	
§ 1.295 for review of refusal to publish a statutory invention registration.	
§ 1.296 to withdraw a req. for pub. after notice of intent to publish issued.	
§ 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.	
§ 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings.	
§ 5.12 for expedited handling of foreign filing license.	
§ 5.15 for changing the scope of a license.	
§ 5.25 for retroactive license.	
<input type="checkbox"/> Petition Fee under 37 CFR 1.17(h)	Fee \$130
§ 1.19(g) to request documents in a form other than provided in this part.	
§ 1.84 for accepting color drawings or photographs.	
§ 1.91 for entry of a model or exhibit.	
§ 1.102(d) to make an application special.	
§ 1.138(c) to expressly abandon an application to avoid publication.	
§ 1.313 to withdraw an application from issue.	
§ 1.314 to defer issuance of a patent.	

3. ADDITIONAL FEES			
Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	\$
130	65	Surcharge - Late nonprovisional filing fee or oath	\$
180	180	Submission of IDS	\$
40	40	Recording each patent assignment per property (times number of properties)	\$
120	60	Extension for reply within first month	\$
450	225	Extension for reply within second month	\$
1,020	510	Extension for reply within third month	\$
1,590	795	Extension for reply within fourth month	\$
2,160	1,080	Extension for reply within fifth month	\$
790	395	Submission After Final 1.129	\$
500	250	Notice of Appeal	\$500
500	250	Filing a brief in support of an appeal	\$
1,000	500	Request for oral hearing	\$
130	65	Terminal Disclaimer Fee	\$
800	400	Design Issue Fee	\$
790	395	Request for Continued Examination (RCE)	\$
130		Request for voluntary publication or republication	\$
500	250	Petition to Revive – unavoidable	\$
1,500	750	Petition to Revive – unintentional	\$
200		Filing for patent term adjustment	\$
400		Request for reinstatement of term reduced	\$
1,120		Extension of term of patent	\$
OTHER FEE (specify)			\$
Subtotal (Additional Fees)			\$500
Total Amount of Payment:			\$500

Submitted by:

CUSTOMER NUMBER 27,076	DORSEY & WHITNEY LLP	1420 Fifth Avenue, Suite 3400 Seattle, WA 98101-4010 (206) 903-8800 phone / (206) 903-8820 fax
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Name: Edward W. Bulchis	Reg. No.: 26,847
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Signature: 	Date: 8/17/06
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